

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER:

ELVIN ORTIZ ZAYAS
Debtor(s)

MONEY EXPRESS
Movant

CASE NO.: 14-09149 (EAG)

CHAPTER 13

(X) An action against the State
under Title 11 USC §1307(c) (1) and
§1307(c) (6), Title 11 USC §1326

MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Movant, **MONEY EXPRESS**, through its undersigning attorney, and very respectfully ALLEGES, STATES and PRAYS:

1. This Honorable Court have jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408, and particularly regarding this matter under Title 11 USC §1307(c) (1), (4) and (6), on Conversions and Dismissals, and Title 11 USC §1326, on Payments.

2. Debtor filed a bankruptcy case under chapter 13 back on November 4, 2014. See, Bkcy Dck no 1

3. MOVANT, standing to address this court is ascertained as filed an unsecured proof of claim, on a small personal loan, with an outstanding debt of \$3,872.37, under account no 8043. See, Clm Reg. 1.

4. As of to February 25, 2019 debtor(s) appeared already had the following installments owed to the chapter 13 Trustee: \$800.00, for TWO (2) months in arrears. See, Attachment A.

5. Under the terms of the confirmed plan dated November 4, 2014 debtor(s) should have started to make continues payments since December 4, 2014, and as evidenced herein, the debtor(s) have failed to do so. See, Bkcy Dck no 1, 2 and 18.

6. Pursuant to the Service Members Civil Relief Act: - the data banks of the Department of the Defense Manpower Data Center confirmed that the debtor(s) is (are) not member(s) of the Uniformed Services (US Armed Forces, Navy, Marine Corps, Air Force, NOAA, Public Health, and Cost Guard.) See, Attachment B.

For the reasons stated above, MOVANT respectfully request from this Court to enter an order dismissing the present case pursuant Title 11 USC §1307(c)(1) on *Unreasonable delay by debtor that is prejudicial to Creditors*, (5) *denial of confirmation of a plan under 1325 of this title and denial of a request made for additional time for filing another plan or a modification of a plan*, 11 USC §1326 (a) (1) *Unless the court orders otherwise, the debtor shall commence making the payments proposed by a plan within 30 days after the plan is filed, payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier*, and (6) ~~on Material default by the debtor with respect to a term of a confirmed plan~~, and Title 11 USC §1324 (b) ~~on hearing of confirmation that shall to be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341 (a).~~

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FIRSTBANK Puerto Rico
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The aforementioned request of dismissal is based on congressional intent to prevent bankruptcy abuse

NOTICE

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.
Puerto Rico Local Bankruptcy Rule 9013-1(h)

In San Juan, Puerto Rico, on March 8, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy was served by CM/ECF at the authorized address: - to all creditors, - to Atty. Alejandro Oliveras // Atty. José Carrión Morales, as Chapter 13 Trustee, and - to the attorney of the debtor(s) ROBERTO FIGUEROA CARRASQUILLO, and to debtor(s) by regular mail at the address on record, ELVIN ORTIZ ZAYAS, at PO BOX 2055, SALINAS, PUERTO RICO 00751.

BY: /s/ María M. Benabe Rivera
María M. Benabe Rivera
Attorney for Movant - US - DC 208906
Maricarmen Colón Díaz – US – DC 211410
FIRSTBANK Puerto Rico
Centro de Servicios al Consumidor – Código 248
1130 Muñoz Rivera Ave., Rio Piedras, P R
PO Box 9146, San Juan, PR 00908-0146
maria.benabe@firstbankpr.com
(787)729-8135 / (787)729-8276 /

[Rev.3/2019]

FIRSTBANK

Analysis Sheet to Determine Arrears to Trustee

In Re	: ELVIN ORTIZ ZAYAS
Case Number	: 14-09149
Account Number	: 8043 (M.EX.)
Date of File	: 11/04/2014
Amount of Proof of Claim	: 3,872.37
Plan	: 200 X 60 (12,000) ADICCIONAL 169.00/YR
Monthly Payment of	: 200
Pass term	: 51
Should have paid in	: 10,369
Total paid in to plan	: 9,569
Amount in Arrears	: 800 (4 ARREARS)
Printed on	: 02/25/2019
Prepared by	: Marta Ríos

Adjunct A

PRINT INQUIRY

Close Window

Click Here to Print this Page

14-09149-EAG

ELVIN ORTIZ ZAYAS

\$200.00 MO/\$169.00 YR Bar Date(s): 3/16/2015 (has passed) 5/4/2015 (has passed)
Confirmed: 1/27/2015
Case Status: ACTIVE-INT 3 AUDIT

Trustee: ALEJANDRO OLIVERAS RIVERA

Attorney: ROBERTO FIGUEROA CARRASQUILLO*

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
12/4/2014	60.00	\$200.00	MONTHLY	ELVIN ORTIZ ZAYAS	11/10/2014	
12/4/2019	end of plan	\$0.00	MONTHLY	ELVIN ORTIZ ZAYAS	11/10/2014	

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
12/17/2018	1.00	\$169.00	ANNUALLY	ELVIN ORTIZ ZAYAS	12/17/2018	
12/17/2019	end of plan	\$0.00	ANNUALLY	ELVIN ORTIZ ZAYAS	12/17/2018	

Forgive Information

Date	Amount	Description
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Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/4/2014	1/3/2015	\$200.00	\$200.00
2	1/4/2015	2/3/2015	\$200.00	\$400.00
3	2/4/2015	3/3/2015	\$200.00	\$600.00
4	3/4/2015	4/3/2015	\$200.00	\$800.00
5	4/4/2015	5/3/2015	\$200.00	\$1,000.00
6	5/4/2015	6/3/2015	\$200.00	\$1,200.00
7	6/4/2015	7/3/2015	\$200.00	\$1,400.00
8	7/4/2015	8/3/2015	\$200.00	\$1,600.00
9	8/4/2015	9/3/2015	\$200.00	\$1,800.00
10	9/4/2015	10/3/2015	\$200.00	\$2,000.00
11	10/4/2015	11/3/2015	\$200.00	\$2,200.00
12	11/4/2015	12/3/2015	\$200.00	\$2,400.00
13	12/4/2015	1/3/2016	\$200.00	\$2,600.00
14	1/4/2016	2/3/2016	\$200.00	\$2,800.00
15	2/4/2016	3/3/2016	\$200.00	\$3,000.00
16	3/4/2016	4/3/2016	\$200.00	\$3,200.00
17	4/4/2016	5/3/2016	\$200.00	\$3,400.00
18	5/4/2016	6/3/2016	\$200.00	\$3,600.00
19	6/4/2016	7/3/2016	\$200.00	\$3,800.00
20	7/4/2016	8/3/2016	\$200.00	\$4,000.00
21	8/4/2016	9/3/2016	\$200.00	\$4,200.00
22	9/4/2016	10/3/2016	\$200.00	\$4,400.00
23	10/4/2016	11/3/2016	\$200.00	\$4,600.00
24	11/4/2016	12/3/2016	\$200.00	\$4,800.00
25	12/4/2016	1/3/2017	\$200.00	\$5,000.00
26	1/4/2017	2/3/2017	\$200.00	\$5,200.00
27	2/4/2017	3/3/2017	\$200.00	\$5,400.00
28	3/4/2017	4/3/2017	\$200.00	\$5,600.00
29	4/4/2017	5/3/2017	\$200.00	\$5,800.00
30	5/4/2017	6/3/2017	\$200.00	\$6,000.00
31	6/4/2017	7/3/2017	\$200.00	\$6,200.00
32	7/4/2017	8/3/2017	\$200.00	\$6,400.00
33	8/4/2017	9/3/2017	\$200.00	\$6,600.00
34	9/4/2017	10/3/2017	\$200.00	\$6,800.00
35	10/4/2017	11/3/2017	\$200.00	\$7,000.00
36	11/4/2017	12/3/2017	\$200.00	\$7,200.00
37	12/4/2017	1/3/2018	\$200.00	\$7,400.00
38	1/4/2018	2/3/2018	\$200.00	\$7,600.00
39	2/4/2018	3/3/2018	\$200.00	\$7,800.00
40	3/4/2018	4/3/2018	\$200.00	\$8,000.00
41	4/4/2018	5/3/2018	\$200.00	\$8,200.00
42	5/4/2018	6/3/2018	\$200.00	\$8,400.00
43	6/4/2018	7/3/2018	\$200.00	\$8,600.00
44	7/4/2018	8/3/2018	\$200.00	\$8,800.00
45	8/4/2018	9/3/2018	\$200.00	\$9,000.00
46	9/4/2018	10/3/2018	\$200.00	\$9,200.00
47	10/4/2018	11/3/2018	\$200.00	\$9,400.00
48	11/4/2018	12/3/2018	\$200.00	\$9,600.00
49	12/4/2018	1/3/2019	\$200.00	\$9,800.00
50	1/4/2019	2/3/2019	\$200.00	\$10,000.00
51	2/4/2019	3/3/2019	\$200.00	\$10,200.00
52	3/4/2019	4/3/2019	\$200.00	\$10,400.00
53	4/4/2019	5/3/2019	\$200.00	\$10,600.00
54	5/4/2019	6/3/2019	\$200.00	\$10,800.00
55	6/4/2019	7/3/2019	\$200.00	\$11,000.00
56	7/4/2019	8/3/2019	\$200.00	\$11,200.00
57	8/4/2019	9/3/2019	\$200.00	\$11,400.00
58	9/4/2019	10/3/2019	\$200.00	\$11,600.00
59	10/4/2019	11/3/2019	\$200.00	\$11,800.00
60	11/4/2019	12/3/2019	\$200.00	\$12,000.00
Total				\$12,000.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/17/2018	12/16/2019	\$169.00	\$169.00
Total				\$169.00

Payments Expected for Step 3:

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/4/2019	1/3/2020	\$0.00	\$0.00
2	1/4/2020	2/3/2020	\$0.00	\$0.00
3	2/4/2020	3/3/2020	\$0.00	\$0.00
4	3/4/2020	4/3/2020	\$0.00	\$0.00
5	4/4/2020	5/3/2020	\$0.00	\$0.00
6	5/4/2020	6/3/2020	\$0.00	\$0.00
7	6/4/2020	7/3/2020	\$0.00	\$0.00
8	7/4/2020	8/3/2020	\$0.00	\$0.00
9	8/4/2020	9/3/2020	\$0.00	\$0.00
10	9/4/2020	10/3/2020	\$0.00	\$0.00
11	10/4/2020	11/3/2020	\$0.00	\$0.00

12	11/4/2020	12/3/2020	\$0.00	\$0.00
13	12/4/2020	1/3/2021	\$0.00	\$0.00
14	1/4/2021	2/3/2021	\$0.00	\$0.00
Total				\$0.00

Payments Expected for Step 4:

Period	Start Date	End Date	Payment Amount Expected	Total
1	12/17/2019	12/16/2020	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	12/2014	\$200.00	\$200.00		\$0.00
2	1/2015	\$200.00	\$200.00		\$0.00
3	2/2015	\$200.00	\$200.00		\$0.00
4	3/2015	\$200.00	\$200.00		\$0.00
5	4/2015	\$200.00			\$200.00
6	5/2015	\$200.00			\$400.00
7	6/2015	\$200.00	\$400.00		\$200.00
8	7/2015	\$200.00	\$200.00		\$200.00
9	8/2015	\$200.00	\$200.00		\$200.00
10	9/2015	\$200.00	\$200.00		\$200.00
11	10/2015	\$200.00	\$400.00		\$0.00
12	11/2015	\$200.00			\$200.00
13	12/2015	\$200.00			\$400.00
14	1/2016	\$200.00			\$600.00
15	2/2016	\$200.00			\$800.00
16	3/2016	\$200.00			\$1,000.00
17	4/2016	\$200.00			\$1,200.00
18	5/2016	\$200.00			\$1,400.00
19	6/2016	\$200.00			\$1,600.00
20	7/2016	\$200.00			\$1,800.00
21	8/2016	\$200.00			\$2,000.00
22	9/2016	\$200.00			\$2,200.00
23	10/2016	\$200.00			\$2,400.00
24	11/2016	\$200.00	\$1,200.00		\$1,400.00
25	12/2016	\$200.00	\$1,200.00		\$400.00
26	1/2017	\$200.00			\$600.00
27	2/2017	\$200.00			\$800.00
28	3/2017	\$200.00			\$1,000.00
29	4/2017	\$200.00	\$1,000.00		\$200.00
30	5/2017	\$200.00	\$400.00		\$0.00
31	6/2017	\$200.00	\$200.00		\$0.00
32	7/2017	\$200.00	\$200.00		\$0.00
33	8/2017	\$200.00	\$200.00		\$0.00
34	9/2017	\$200.00			\$200.00
35	10/2017	\$200.00	\$200.00		\$200.00
36	11/2017	\$200.00	\$200.00		\$200.00
37	12/2017	\$200.00	\$400.00		\$0.00
38	1/2018	\$200.00			\$200.00
39	2/2018	\$200.00	\$0.00		\$400.00
40	3/2018	\$200.00	\$400.00		\$200.00
41	4/2018	\$200.00			\$400.00
42	5/2018	\$200.00	\$400.00		\$200.00
43	6/2018	\$200.00			\$400.00
44	7/2018	\$200.00			\$600.00
45	8/2018	\$200.00	\$600.00		\$200.00
46	9/2018	\$200.00	\$400.00		\$0.00
47	10/2018	\$200.00	\$200.00		\$0.00
48	11/2018	\$200.00			\$200.00
49	12/2018	\$369.00	\$169.00		\$400.00
50	1/2019	\$200.00			\$600.00
51	2/2019	\$200.00			\$800.00

Total Delinquent Amount: \$800.00

Department of Defense Manpower Data Center

Results as of : Mar-06-2019 02:48:56 PM

SCRA 4.10



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-6533
 Birth Date:
 Last Name: ORTIZ ZAYAS
 First Name: ELVIN
 Middle Name:
 Status As Of: Mar-06-2019
 Certificate ID: GTQR2W6MXDJ3SHH

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

Label Matrix for local noticing
0104-2
Case 14-09149-EAG13
District of Puerto Rico
Ponce
Mon Feb 25 08:57:10 AST 2019

US Bankruptcy Court District of PR
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

Cerastes, LLC
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2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

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FORT WORTH TX 76177-5323

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Sioux Falls, SD 57117-6189

Synchrony Bank
c/o of Recovery Management Systems Corp
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

ELVIN ORTIZ ZAYAS
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2001 WESTERN AVE SUITE 400
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SAN JUAN, PR 00908-0146

Caribe Federal Credit Union
195 Oneill St.
San Juan, PR 00918-2404

First Bank Of Puerto Rico
Money Express
PO Box 9146
San Juan, PR 00908-0146

MONEY EXPRESS
CONSUMER SERVICE CENTER
BANKRUPTCY DIVISON (CODE 248)
PO BOX 9146
SAN JUAN PR 00908-0146

SANTANDER FINANCIAL D/B/A ISLAND FINANCE
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SAN JUAN PR 00919-5369

Synch/Sams Club
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ROBERTO FIGUEROA CARRASQUILLO
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CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Mercedes Benz Financial Services
PO Box 5209
Carol Stream, IL 60197-5209

End of Label Matrix
Mailable recipients 23
Bypassed recipients 0
Total 23